

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

SONDRA RAY, as the personal)
representative of the estate of her son,)
Steven Davis,)
Plaintiff,)
v.) CASE NO.: 2:20-cv-00499-RDP
RODERICK GADSON; STEVEN D.) **UNOPPOSED**
HARRISON; CLIFFORD O'NEAL;)
WILSON B. CLEMONS; and)
UNIDENTIFIED CORRECTIONAL)
OFFICERS 1-3,)
Defendants.)

DEFENDANT RODERICK GADSON'S MOTION FOR LEAVE TO AMEND

Defendant Roderick Gadson ("Gadson"), through undersigned counsel, respectfully requests leave to amend his answer and in support thereof states as follows:

1. Gadson was initially represented by the Alabama Attorney General's office, who filed an answer on his behalf. (Doc. 9).
2. Since then the Alabama Attorney General's office received the ongoing criminal investigation into the death of Steven Davis after the Jefferson County District Attorney's office recused. (Doc. 25, p. 2, ¶ 2).
3. Undersigned counsel was appointed to represent Gadson (Doc. 32) and deems it appropriate to file an answer to assert the Defendant's Fifth Amendment privilege in lieu of the previous answer and in light of the criminal investigation being conducted of the subject matter involved in this civil lawsuit. (See attached Amended Answer of Defendant Roderick Gadson).

4. Undersigned counsel believes amending Gadson's answer is appropriate in light of the Court's Scheduling Order which gives defendants until April 15, 2021 to "join additional parties and amend the pleadings." (Doc. 22, p. 3, ¶ 8).

WHEREFORE, Gadson requests leave to amend his answer to assert his Fifth Amendment privilege.

Respectfully submitted,

/s/ Steven K. Herndon
STEVEN K. HERNDON
(ASB-0093-O74S)
Attorney for Defendant Gadson

Herndon Law PC
1430 I-85 Parkway, Suite 234
Montgomery, AL 36106
Telephone: (334) 386-3848
Facsimile: (334) 386-3852
steve@herndon.law

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of April 2021, I have served a copy of the foregoing on all parties by using CM/ECF or by U.S. mail:

Henry F. Sherrod III
Henry F. Sherrod III, P.C.
119 South Court Street
Florence, AL 35630
hank@alcivilrights.com

Terri Olive Tompkins
C. Alexandra Segrest Montgomery
Rosen Harwood, P.A.
2200 Jack Warner Parkway, Suite 200
Tuscaloosa, Alabama 35401
ttompkins@rosenharwood.com
amontgomery@rosenharwood.com

Richard R. Owens
Carl Christian Williams
Hall Booth Smith, P.C.
2001 Park Place North, Suite 870
Birmingham, AL 35203
rowens@hallboothsmith.com
cwilliams@hallboothsmith.com

Philip G. Piggott
Webster Henry
Two Perimeter Park South,
Suite 445 East
Birmingham, AL 35243
ppiggott@websterhenry.com

/s/ Steven K. Herndon _____